



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,110	02/09/2001	Peter J. Potrebic	14531.86	2976

47973 7590 03/14/2005

WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/781,110

Applicant(s)

POTREBIC, PETER J.

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wood et al (2003/0044165)**.

As to claim 1, note the **Wood et al** reference figures 1 and 2, disclose video data recorder having integrated channel guides allowing a user to control recording and storage of television signals into personal channels for later playback and viewing and further disclose in an entertainment system that includes a video recording apparatus (Video Storage "VS" 105), a method for automatically recording a fragmented program that includes a series of fragments that are temporally separated from each other and that have been designated as being related one to another in a way than being episodes of an ongoing , repeating series, the method comprising the acts of :

the claimed "receiving a user input requesting the series of fragments to be recorded..." is met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0040]), which is coupled to Channel Guide, Criteria, Video, etc., Databases and receives via User Interface (UI) 108, a "user input" requests for a Show, Series or Mini-

Art Unit: 2614

Series (Shows) "series of fragments" and a criteria ([0040-0045] and [0061]) for recording the Shows without requiring the user to separately identify each of the Shows in the series ([0029], [0043-0044] and [0050-0051]); and in response to the user input, Pro 101 examines electronic program guide (EPG) data ([0027-0028]) and identifies the Shows in the series ([0038-0039]); and for each Shows, automatically determines a start time for the Show and records the Show onto VS 105, when the Show is aired (page 2, [0027]; page 3, page 4, [0060-0062] and page 5, [0068-0072]), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user's specified criteria stored in Criteria Database 104 and records either a single Show, series or mini-series, using the specified criteria for recording Shows.

As to claim 2, Wood further discloses determining an end time for the Show and deactuating the VS 105 when the Show is completed (page 2, [0027] and [0038-0040]).

As to claims 3-6, Wood further discloses where the Show is a mini-series, sporting event and a group of television programs of a television network that are designated as being related (page 4, [0060-0062] and page 5, [0068-0072] and where the UI 108 receives through the use of categories pop-up menu, such as sports, news, comedy, etc., (page 3, [0046-0050]).

As to claim 7-10, Wood further discloses where the EPG data includes an identifier for uniquely identifying the Show and identifier that is common to the Shows and uniquely identifies the Shows from other programs, periodic updating the system for each of the Shows as to the start time for the Show through the use of current EPG data

including identifying when a scheduling change occurs for any of the Shows (page 2, [0027-0028], [0038-0040], page 3, [0051-0053 and page 5, [0068-0072]).

As to claim 11, Wood further discloses determining whether the Show is reoccurring; and if the Show is reoccurring, automatically setting a reminder to record a subsequent occurrence of the Show (page 3, [0044-45]; page 4, [0057-0058]).

As to claim 12, note the **Wood et al** reference figures 1 and 2, disclose video data recorder having integrated channel guides allowing a user to control recording and storage of television signals into personal channels for later playback and viewing and further disclose in a system that includes a video recording apparatus (Video Storage “VS” 105), a method for automatically recording episodes of a television program so as to compile a non-repeating archive of the episodes during a period of time, the method comprising the acts of:

the claimed “receiving a user input specifying that the episodes of the television program are to be recorded...” is met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0039]), which is coupled to Channel Guide, Criteria, Video, etc., Databases and receives via User Interface (UI) 108, a “user input” specifying that a Show, Series or Mini-Series (Shows) “episodes of the television program” and the criteria ([0040-0045] and [0061]) for recording the Shows without requiring the user to separately identify each of the Shows in the series ([0029], [0043-0044] and [0050-0051]); and in response to the user input, iteratively during the period of time, Pro 101, performs the following acts, such that a plurality of Shows of the television program are recorded without recording a particular Shows more than once:

Pro 100 uses electronic program guide (EPG) data ([0027-0028]), and identifies the Shows in the series ([0038-0039]) and for each Shows, automatically determines a start time for the Show and records the Show onto VS 105, when the Show is aired (page 2, [0027]; page 3, [0038-0040] and page 4, [0060-0062]); and determines whether the Show has been previously recorded based on the user's criteria (page 3, [0043-0046]); if it is determined whether the Show has been previously recorded, automatically recording the Show and if it is determined that the Show has not been previously recorded, automatically refraining from recording the Show (page 3, [0052-0053]; page 4, [0060-0061] and page 5, [0068-0072]), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user's specified criteria in Criteria Database 104 and records either a single Show, series or mini-series, using the specified criteria for recording Shows.

Claim 13 is met as previously discussed with respect to claim 7.

Claim 14 is met as previously discussed with respect to claims 9 and 10.

Claim 15 is met as previously discussed with respect to claim 11.

As to claim 16, note the **Wood et al** reference figures 1 and 2, disclose video data recorder having integrated channel guides allowing a user to control recording and storage of television signals into personal channels for later playback and viewing and further disclose in a system that includes a video recording apparatus (Video Storage "VS" 105), a method for automatically recording episodes of a television program so as to compile an archive of the first-run episodes during a period of time, the method comprising the acts of:

the claimed “receiving a user input specifying that the first-run episodes of the television program during the period of time are to be recorded...” is met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0039]), which is in communications Channel Guide, Criteria, Video, etc., Databases and receives via User Interface (UI) 108, a “user input” specifying that a Show, Series or Mini-Series (Shows) “first-run episodes of the television program” during the time are to be recorded (page [0040-0045]; page [0061 and page 5, [0068-0072]), note that the user specifies a criteria for recording a particular first-run Show;

Pro 100 uses electronic program guide (EPG) data ([0027-0028]) and identifies each of the first-run Shows of the television program that is scheduled to be aired during the period of time ([0038-0039]); and for each first-run Shows, performs the acts of: determining the a first-run Show has been aired; determining whether the Show has not been aired (page 2, [0038-0040] and [0043-0046]); if it is determined whether the that the first-run Show has not been aired, automatically recording the first-run Show (fig. 9, page 3, [0051-0053]; page 4, [0060-0062 and page 5, [0068-0072); and if it is determined that the first-run Show has been previously aired, performs the acts of:

determining whether the first-run Show is scheduled to be aired at a future time, and if the first-run Show is scheduled to be aired at a future time, automatically recording the first-run Show at the future time (fig. 9, page 3, [0051-0053]; page 4, [0060-0062 and page 5, [0068-0072), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user’s specified criteria stored in Criteria Database 104 and records either a single Show,

series or mini-series, using the specified criteria for recording Shows.

Claim 17 is met as previously discussed with respect to claim 11.

Claim 18 is met as previously discussed with respect to claim 7.

Claim 19 is met as previously discussed with respect to claims 9 and 10.

As to claim 20, Wood further discloses where if the programming change relates to a new time of airing one of the first Shows, which was originally determined to have already aired and was not scheduled to air at a future time, further performing the act of automatically recording the one of the first-run Shows at the new time (page 2, [0038-00400] and page 5, [0068-0072]).

As to claim 21, note the **Wood et al** reference figures 1 and 2, disclose video data recorder having integrated channel guides allowing a user to control recording and storage of television signals into personal channels for later playback and viewing and further disclose a recording system (figure 1) for recording a video data corresponding to fragmented program, the recording system comprising:

the claimed “signal receiver for receiving a signal that carries programming...” is met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0040]), which communicates with stored Channel Guide, Criteria, Video, etc., Databases and receives also channel guide data source 109 programming, where the programming includes a Show, Series, Mini-Series (Shows) “a fragmented program” which includes a plurality of Shows that are scheduled to be aired over a series of days ([0040-0045] and [0061]);

the claimed “a user input interface coupled to the signal input...” is met by User Interface (UI) 108 (page 1, [0025]; page 2, [0038]), which is coupled to signal input 109,



where UI 108 receives user input, requesting the plurality of Shows to be recorded without requiring the user to separately identify each of the Shows in the series ([0029], [0043-0044] and [0050-0051]) and upon receipt of the user input, Pro 101 examines electronic program guide (EPG) data ([0027-0028]) and identifies the Shows in the series ([0038-0039]) and Video Storage (VS) 105 “a signal recorder” coupled to the signal input source 109, records onto VS 105 each of the plurality of Shows (page 2, [0038-0040], [0043-0045] page 4, [0060-0062] and page 5, [0068-0072]), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user’s specified criteria stored in Criteria Database 104 and records either a single Show, series or mini-series, using the specified criteria for recording Shows.

Claim 22 is met as previously discussed with respect to claim 7.

Claim 23 is met as previously discussed with respect to claim 7 and 8.

As to claim 24, Wood further discloses where UI 108 includes a categories list, such as news, sports, comedy, etc., to enable a user to select the Show for recording (page 3, [0045-0049] and page 4, [0060-0062]).

As to claim 25, Wood further disclose where the recording system includes a recording list preserved on VS 105 coupled to UI 108, where the recording list itemizes one or more Shows that correspond to the plurality of Shows to be recorded (page 3, [0045-0049]; page 4, [0060-0062] and page 5, [0068-0070]).

As to claim 26, the claimed “computer program product...comprising:” contains the same structural elements as rejected claim 1.

Claim 27 is met as previously discussed with respect to claims 7 and 10.

Claim 28 is met as previously discussed with respect to claim 10.

As to claim 29, Wood further discloses determining whether any of the Shows is a first-run Show, and sequentially recording only Shows that are first-run Show (page 4, [0060-0062] and page [0068-0071]).

Claim 30 is met as previously discussed with respect to claim 11.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shintani et al (6,611,958) disclose electronic program guide feature for AV system.

Liebenow (6,601,074) discloses episode identification.

Shteyn (6,611,654) discloses time and location-driven personalized TV.

Goldschmidt Iki et al (6,226,444) disclose method and apparatus for recording program data without commercials.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.


Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang.**



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**